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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD ERNEST ANAYA,

Plaintiff,

v.

HERRINGTON, et al.,

Defendants.

CASE NO. 1:09-cv-1653-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

ECF No. 81

Plaintiff Richard Ernest Anaya (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 10, 2012, Plaintiff filed his fifth amended [complaint](#). ECF No. 77. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 11, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. ECF No. 81. No party filed a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed September 11, 2012, is adopted in full;
- 3 2. This action proceeds against Defendants Chen and Lopez for denial of pain
4 medication, denial of treatment for his lower back, and denial of grab bars for his
5 toilet in violation of the Eighth Amendment, an Eighth Amendment claim against
6 Defendants Chen, Lopez, and Dileo for denial of knee surgery, ADA claim against
7 Defendants Chen and Lopez, and state law claim for medical malpractice;
- 8 3. Plaintiff's claims against Defendants Keldgore, White, and Harrington are dismissed
9 with prejudice for failure to state a claim and those Defendants are dismissed from
10 this action; and
- 11 4. Defendants Keldgore, White, and Herrington are dismissed from this action.

12 IT IS SO ORDERED.

13 Dated: October 31, 2012

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15 CHIEF UNITED STATES DISTRICT JUDGE